

## REMARKS

Claims 1-9 are pending.

All claims have been rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,128,624 (Papierniak et al.). The claims had previously been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,987,480 (Donohue et al.) and/or U.S. Patent No. 6,256,664 (Donoho et al.). These rejections have been withdrawn in view of the new grounds for rejection.

In view of the clear differences between the invention as claimed, and the Papierniak prior art, Applicant believes it unnecessary to amend the claims at this time to overcome the prior art. The Examiner is respectfully requested to reconsider allowance of the claims in view of the remarks below distinguishing the prior art at issue with the explicit limitations within the claims.

*Claim Rejections - 35 U.S.C. §102(e)*

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being unpatentable over Papierniak et al. (U.S. Patent No. 6,128,624).

The Papierniak patent addresses the problem of integrating data from a variety of sources (e.g., Internet Service Providers such as AOL and Commerce Service Providers such as sharperimage.com) into a predetermined format for supporting collection of the Internal and/or electronic commerce data. (Papierniak, Col. 5, lines 39-44)

What the Papierniak patent does not appear to teach is pulling commerce data from the visiting computer -- e.g., the computer of the consumer him/herself. That is, the Papierniak system places the burden of tracking and sensing of customers to the ISPs those customers use and the servers on which the commercial sites and commercial transaction systems operate. There is no step in Papierniak of uploading a web page with data fields and mining code to the visitor computer and operating that data mining code on the visitor computer to obtain commercial and technical data. Instead, any commercial and technical data would be obtained from the ISP or CSP computers themselves and would be integrated within a separate database:

"From the user perspective, there are, at least, two types of users: visitors and the ISP's/CSP's customers.... The profile data related to the ISP/CSP customers should include, for example: company name... billing contact [etc.].... The visitor profile data, in addition to the domain name and IP addresses, depends on how much information the visited applications can entice the visitors to provide and what the visitors are willing to share with the ISP/CSP.... The capture of Web access activity requires interfaces to other network accessible systems such as modem pools and routers." (Papierniak col. 15, line 52 to col. 16, line 23 *emphasis added*)

It is clear then that tracked data is produced and maintained at the server side, rather than the client side, since when visitors not part of the ISP/CSP are tracked, the system depends upon an election by the visitor to manually enter the information based on requests made by the system. This

occurs, for example, when a visitor would complete an online demographic survey. Another example would be the "interview questionnaire" format noted in Papierniak beginning col. 20, line 38 with reference to FIG. 14.

The Papierniak system, using server-provided and maintained data, operates in stark contrast with that of the present invention which gleans data from automated processes taking part at the client (visitor) machine using the data mining code to derive commercial information from transactions occurring over a web page. Not only does server-side data collection such as taught in Papierniak teach away from the present invention, but the present invention was developed to address the drawbacks of server-side data collection systems. These Papierniak systems require high levels of data sharing and cooperation between ISPs, CSPs, and data reporting agencies. As in the past, presently ISPs and CSPs do not lightly share such information with these data reporting agencies. The present invention does away with the need for such cooperation in that ecommerce data mining code is embedded within the served web pages themselves and automatically causes ecommerce reporting to a second server.

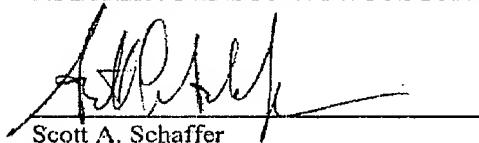
Papierniak does not teach, *inter alia*, several of the steps in claim 1 involving the operation of data mining on the visitor computer where such code is embedded within the web page. Rejection of claims 1 and dependent claims 2-9 under §102(e) would thus be inappropriate in this case.

#### CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-9 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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